

Exhibit A

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,

4 v.

S1 10 Cr. 56 RJS

5 JASON GOLDFARB,

6 Defendant.

7 -----x

8

9 April 21, 2011
10 3:10 p.m.

11

12

Before:

13

HON. RICHARD J. SULLIVAN,

14

District Judge

15

16 APPEARANCES

17

18 PREET BHARARA,
19 United States Attorney for the
Southern District of New York
20 ANDREW L. FISH,
Assistant United States Attorney

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22 MICHAEL L. SOSHNIK,
23 Attorney for defendant Goldfarb

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1 (In open court)

2 (case called)

3 THE COURT: Please be seated. All right.

4 My understanding, Mr. Soshnick, is that your client
5 would like to withdraw his previously-entered plea of not
6 guilty and plead guilty to actually the superseding indictment.

7 Is that correct?

8 MR. SOSHNICK: Yes, your Honor.

9 THE COURT: Mr. Goldfarb, before I accept your guilty
10 plea, I am going to ask you certain questions. The purpose of
11 these questions is to, first of all, make sure you fully
12 understand your rights, the rights you have under the
13 Constitution and laws of the United States, and also to make
14 sure that you are pleading guilty because you are guilty and
15 not for some other reason.

16 During the course of the next half hour or so, I'll
17 ask you questions. If you don't understand my question,
18 obviously let me know. I'll clarify it or I'll see what the
19 problem is. If you would like to confer with your attorney,
20 Mr. Soshnick, before answering my questions, that is fine, too.

21 What you shouldn't do, of course, is answer a question
22 that you don't understand or make a false statement. If you
23 were to make a false statement here in court, that could be a
24 separate crime. In a moment I'm going to ask you to take an
25 oath. This will be an oath that you'll truthfully answer the

14LJGOLP

Plea

1 questions I put to you.

2 Under that oath, if you make a false statement, you
3 could be prosecuted for perjury or obstruction of justice or
4 making false statements. Again if I am not clear or you don't
5 understand a question, let me know. If you want to talk to Mr.
6 Soshnick, that is fine. I won't rush you. I want to make sure
7 you have the time and feel comfortable, okay?

8 THE DEFENDANT: Yes.

9 THE COURT: Let's, if you could, have Mr. Goldfarb
10 take the oath.

11 (The defendant was duly sworn)

12 THE COURT: Mr. Goldfarb, could you tell me your full
13 name?

14 THE DEFENDANT: Jason Gordon Goldfarb.

15 THE COURT: How old are you?

16 THE DEFENDANT: 32.

17 THE COURT: How far did you go in school?

18 THE DEFENDANT: I graduated law school.

19 THE COURT: Are you now or have you recently been
20 under the care of a doctor or a psychiatrist?

21 THE DEFENDANT: I am treating with a psychologist.

22 THE COURT: Psychologist?

23 THE DEFENDANT: Yes.

24 THE COURT: How long, approximately?

25 THE DEFENDANT: Six months, maybe.

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Plea

1 THE COURT: Are you taking any medications in
2 connection with that?

3 THE DEFENDANT: No.

4 THE COURT: Have you ever been hospitalized or treated
5 for any kind of mental illness or any kind of addiction,
6 including drug or alcohol addiction?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: Have you taken any drugs or any medicine,
9 any pills or have you drunk any alcohol in the past 48 hours?

10 THE DEFENDANT: I may have had a beer maybe around 48
11 hours ago.

12 THE COURT: Is your mind clear today?

13 THE DEFENDANT: My mind is clear.

14 THE COURT: Do you understand the nature of this
15 proceeding and what will take place here today?

16 THE DEFENDANT: I do, your Honor.

17 THE COURT: Mr. Soshnick, do you have any doubt as to
18 your client's mental competence or his ability to enter an
19 informed plea?

20 MR. SOSHNIK: None whatsoever.

21 THE COURT: Mr. Fish, do you have any such doubt?

22 MR. FISH: No, your Honor.

23 THE COURT: On the basis of Mr. Goldfarb's responses
24 to my questions, my observations of his demeanor and the
25 representations of counsel, I find that Mr. Goldfarb is fully

14LJGOLP

Plea

1 competent to enter an informed plea at this time.

2 Mr. Goldfarb, as I understand it, you wish to plead
3 guilty to two counts in the superseding indictment. Is that
4 correct?

5 THE DEFENDANT: That is correct, your Honor.

6 THE COURT: Do you feel you've had enough of an
7 opportunity to discuss the charges and to confer with your
8 lawyer about any possible defenses you may have to these
9 charges?

10 THE DEFENDANT: I have, Judge.

11 THE COURT: Are you satisfied with Mr. Soshnick's
12 representation of you?

13 THE DEFENDANT: I am, your Honor.

14 THE COURT: What I want to do now is spend a few
15 moments going over your Constitutional rights, the rights you
16 have under the laws and Constitution of the United States.
17 I'll do that in two ways:

18 First of all, there is a document that should have in
19 front you, an advice of rights form. In addition to that, I'll
20 ask you questions about that. In addition to that, I'll ask
21 you questions here in open court that go over a lot of the same
22 ground. The purpose is to make sure you really do understand
23 these rights and also to give you an opportunity, if you have
24 any questions, to raise those questions. Don't be shy. You
25 have gone to law school so you probably know better than most

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1 these rights and why they're there. If you have any questions,
2 just let me know, and we'll take care of them.

3 THE DEFENDANT: I appreciate it.

4 THE COURT: I will start with the advice of rights
5 form. Do you have it?

6 THE DEFENDANT: Yes.

7 THE COURT: Is that your signature on the second page?

8 THE DEFENDANT: It is.

9 THE COURT: Before you signed it, did you read it?

10 THE DEFENDANT: I did.

11 THE COURT: Did you have a full opportunity to discuss
12 those rights and any questions you may have had about them with
13 your attorney, Mr. Soshnick?

14 THE DEFENDANT: I did, your Honor.

15 THE COURT: Mr. Soshnick, is that your signature on
16 the third page?

17 MR. SOSHNIK: Yes, it is.

18 THE COURT: Before you signed it, did you have an
19 opportunity to discuss that document and the rights described
20 in that document with Mr. Goldfarb?

21 MR. SOSHNIK: Yes, your Honor.

22 THE COURT: If you could hand that up to my law clerk,
23 I'll mark it as a court exhibit. I'll mark it as Court Exhibit
24 1 and date it and initial it. Off the record.

25 (Off-the-record discussion)

14LJGOLP

Plea

1 THE COURT: As I said, in addition to this document, I
2 will go over these other rights. First of all, under the
3 Constitution and laws of the United States, you have a right to
4 a speedy and public trial by a jury on the charges contained in
5 the superseding indictment. Do you understand that?

6 THE DEFENDANT: I do.

7 THE COURT: At trial you would, of course, be presumed
8 innocent, and the government would have to prove you guilty
9 beyond a reasonable doubt by competent evidence before you
10 could be found guilty. Do you understand that?

11 THE DEFENDANT: I understand that.

12 THE COURT: A jury of twelve people would have to
13 agree unanimously that you were guilty before you could be
14 found guilty. Do you understand that?

15 THE DEFENDANT: I do.

16 THE COURT: You certainly wouldn't have to prove you
17 were innocent if you went to trial. Do you understand that?

18 THE DEFENDANT: I do.

19 THE COURT: I am sure you do understand this because
20 of your training. As you know, you would have no burden at
21 all. You could sit silently at the back table, and the burden
22 would always be on the government to prove its case beyond a
23 reasonable doubt, and I would tell the jury that. Do you
24 understand that?

25 THE DEFENDANT: I understand.

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Plea

1 THE COURT: During trial and at every stage of your
2 case, you would be entitled to be represented by an attorney.
3 If you couldn't afford an attorney, one would be appointed for
4 you at no cost to you. Do you understand that?

5 THE DEFENDANT: I do.

6 THE COURT: Mr. Soshnick is retained. Is that right?

7 THE DEFENDANT: Retained, yes.

8 THE COURT: If you couldn't afford to pay him any
9 more, you're broke, I would appoint a lawyer to represent you.
10 It would be a lawyer from a panel of lawyers approved by the
11 court, competent, experienced lawyers available for just that
12 purpose. Do you understand that?

13 THE DEFENDANT: I understand.

14 THE COURT: During the trial, the witnesses for the
15 government would have to come into court and they'd have to
16 testify in your presence. Do you understand that?

17 THE DEFENDANT: I do.

18 THE COURT: We wouldn't be doing it in this courtroom,
19 but they're all pretty similar. In my courtroom, you would be
20 over there, but there is a witness box right here and the
21 witness would sit there so you could see the witness and you
22 could hear the witness. It is your right. The witness would
23 be able to see you. Basically that is a right you're
24 guaranteed by the Constitution, the confrontation clause that
25 allows you to confront your accuser, to hear and see what

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Plea

1 they're saying. Do you understand that?

2 THE DEFENDANT: I do.

3 THE COURT: If there were a trial, your attorney, Mr.
4 Soshnick, would have the opportunity to cross-examine those
5 witnesses and to object to the government's proof if you wish.

6 Do you understand that?

7 THE DEFENDANT: I do.

8 THE COURT: As I said before, you would have no
9 obligation to do anything at the trial. If you wanted to, you
10 could put on a case in your defense, which means you could call
11 witnesses, introduce exhibits and other evidence at trial.

12 Do you understand that?

13 THE DEFENDANT: I do.

14 THE COURT: If there were witnesses you wanted to
15 call, for example, and they told you I don't really want to get
16 involved, I don't feel like coming to court and testifying,
17 then you could have process used or subpoenas most likely that
18 would require them to come into court to testify truthfully
19 under oath. Do you understand that?

20 THE DEFENDANT: I do.

21 THE COURT: You yourself, of course, would have the
22 right to testify if you chose to testify, but you'd also have
23 the right not to testify. If you chose not to testify, the
24 jury could draw no negative inference or no suggestion of guilt
25 as a result of the fact you chose not to testify.

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Plea

1 Do you understand that?

2 THE DEFENDANT: I understand.

3 THE COURT: That is a pretty bedrock principle. I am
4 sure you understand that. That is the kind of point I would
5 make to the jury at the beginning of the trial and then at the
6 end of the trial as well and maybe once in-between for good
7 measure because it is important they understand that. I think
8 they do, but it is such an important principle, I would tell
9 them. You understand that?

10 THE DEFENDANT: I do understand that.

11 THE COURT: If you were convicted at trial, you then
12 would have the right to appeal the jury's verdict. Do you
13 understand that?

14 THE DEFENDANT: I do.

15 THE COURT: Even now, Mr. Goldfarb, as you're getting
16 ready to enter a guilty plea, you have a right to change your
17 mind. That would be fine. You haven't crossed the point of no
18 return yet. We may get there soon, but if you told me right
19 now, you know what, I change my mind, I'd like to go to trial,
20 that would be fine. I certainly wouldn't be mad at you. Mr.
21 Soshnick wouldn't be mad at you, Mr. Fish would not be mad at
22 you. We all understand it is your decision and it is your
23 right. We respect that right, and if you wish to go to trial,
24 we'll do it. Do you understand that?

25 THE DEFENDANT: I understand.

14LJGOLP

Plea

1 THE COURT: Do you nevertheless wish to go forward
2 with your guilty plea at this time?

3 THE DEFENDANT: I wish to go forward at this time,
4 Judge.

5 THE COURT: Do you understand if you plead guilty and
6 I accept your guilty plea, of course, there will be no trial
7 and you will have given up your right to a trial and all the
8 other rights I have just mentioned?

9 THE DEFENDANT: I understand.

10 THE COURT: Although I am not going to sentence you
11 today, if you plead guilty, then I would sentence you on the
12 basis of your plea. Do you understand that?

13 THE DEFENDANT: I understand.

14 THE COURT: All the other rights I mentioned would be
15 gone except for your right to counsel. I want to make sure
16 you're clear about that. I think you are, but that right would
17 continue. You wouldn't be waiving that right.

18 Through the plea, through sentencing and then through
19 appeal if there were an appeal, you would continue to have a
20 right to a lawyer. The other rights would all be waived.

21 Do you understand that?

22 THE DEFENDANT: I understand.

23 THE COURT: You certainly wouldn't be able to appeal
24 whether or not you committed the crime after you pled guilty.
25 You might be able to appeal the sentence, but you almost

14LJGOLP

Plea

1 certainly would not be able to appeal whether or not you
2 committed the crime that you pled to. Do you understand?

3 THE DEFENDANT: I understand.

4 THE COURT: Then I want to make sure you also
5 understand not at this moment, but shortly I will ask you to
6 tell me what it is you did that makes you guilty of this crime,
7 and you will, therefore, have to give up your right not to
8 incriminate yourself, which is an important right.

9 You have the right to be silent. You have the right
10 to do nothing at a trial. If you're going to plead guilty, I
11 am going to need to be persuaded you are pleading guilty
12 because you are guilty and not for some other reason. For that
13 reason, I will ask you to tell me in your own words what it is
14 you did that makes you guilty of these crimes.

15 Do you understand?

16 THE DEFENDANT: I understand.

17 THE COURT: Do you understand each and every one of
18 these rights, Mr. Goldfarb?

19 THE DEFENDANT: Yes.

20 THE COURT: You are willing to give up your right to a
21 trial and the other rights I mentioned?

22 THE DEFENDANT: I am.

23 THE COURT: Have you received a copy of the
24 superseding indictment in this case --

25 THE DEFENDANT: Yes.

14LJGOLP

Plea

1 THE COURT: -- the S1 indictment, this is the first
2 time you have appeared with that following the return of that
3 indictment, correct?

4 THE DEFENDANT: Correct.

5 THE COURT: Have you read it?

6 THE DEFENDANT: I have.

7 THE COURT: You discussed it with your attorney, Mr.
8 Soshnick?

9 THE DEFENDANT: I have.

10 THE COURT: Let me to read it. You have a right to a
11 public reading of the indictment. I am happy to read it.

12 THE DEFENDANT: Let me save you the trouble. I have
13 read it.

14 THE COURT: You have had enough time to discuss with
15 him the charges, which really aren't that different than they
16 were in the prior version and any defenses you may have.

17 You covered that with him, right?

18 THE DEFENDANT: Yes, we went over it all.

19 THE COURT: I want to make sure you understand you are
20 charged in Count 1 with conspiring with others to commit
21 securities fraud, in violation of Title 18 of the United States
22 Code, Section 371, and that in Count 3 with securities fraud,
23 in violation of Title 15 of the United States Code, Sections 78
24 (j), Subsection (b) and 78 (f)(f) as well as Title 17 of the
25 CFR, Code of Federal Regulations, Sections 240.10b-5 and 240.20

14LJGOLP

Plea

1 (b)(5)(2) as well as Title 18 of the United States Code,
2 Section 2. Those are the crimes you're charged with.

3 Do you understand that?

4 THE DEFENDANT: I understand.

5 THE COURT: I am going to ask Mr. Fish to summarize
6 the elements of this crime. When I say "elements," of course,
7 I mean basically the requirements of this crime. These are the
8 things the government would have to prove beyond a reasonable
9 doubt before you could be found guilty if you went to trial.

10 These are the things I'll have to be persuaded have
11 been demonstrated before I will accept a guilty plea. Listen
12 carefully to Mr. Fish. If you have any questions about those
13 elements, let us know and we'll clarify it. Even for a lawyer
14 sometimes this can be confusing. It is very important. Pay
15 attention to Mr. Fish.

16 THE DEFENDANT: Sure.

17 MR. FISH: With respect to conspiracy, the elements
18 are:

19 First, that two or more persons entered into an
20 unlawful agreement;

21 Second, that the defendant knowingly and willfully
22 became a member of the conspiracy;

23 Third, that any one of the members of the conspiracy
24 knowingly committed an overt act; and

25 Fourth, the overt act was committed to further some

14LJGOLP

Plea

1 objective of the conspiracy.

2 With respect to Count 3, securities fraud, in
3 particular insider trading, the elements are:

4 First, in connection with the purchase or sale of a
5 security, the defendant employed a device, scheme or artifice
6 to defraud or made an untrue statement of a material fact or
7 omitted to state a material fact that made what was said under
8 the circumstances misleading, or engaged in any act, practice
9 or course of business that operated or would operate as a fraud
10 or deceit upon a purchaser or seller of a security. The
11 specific device, scheme or artifice and act, practice or course
12 of business at issue here is known as insider trading. An
13 insider is one who comes into possession of confidential
14 material, nonpublic information about a specific security or
15 stock by virtue of a relationship that involves trust and
16 confidence. Insider trading occurs when, among other things,
17 an individual misappropriates information from an entity to
18 whom the individual owed a duty of confidentiality and then
19 delivers that information to others to execute securities
20 transactions;

21 Second, that the defendant acted willfully, knowingly,
22 with the intent to defraud; and

23 Third, that the defendant used or caused to be used
24 any means or instruments or transportation or communication in
25 interstate commerce, including the facilities of the National

14LJGOLP

Plea

1 Securities Exchange or the mails in furtherance of the
2 fraudulent conduct.

3 THE COURT: Thank you, Mr. Fish. That is kind of a
4 mouthful. Do you understand what Mr. Fish just said?

5 THE DEFENDANT: I do.

6 THE COURT: Are there any questions about any of those
7 elements?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: I am confident you and Mr. Soshnick
10 discussed that. I don't want to get into the substance of your
11 conversations. You feel you have had enough time to discuss
12 these elements with your attorney?

13 THE DEFENDANT: I have.

14 THE COURT: I want to go over with you very briefly
15 the maximum penalties you face for these crimes, all right?

16 Count 1, which is the conspiracy count, carries a
17 maximum term of imprisonment of five years. It carries a
18 maximum term of supervised release of three years, a maximum
19 fine of the greatest of either \$250,000 or twice the gross
20 pecuniary or financial gain derived from the offense or twice
21 the gross pecuniary or financial loss to persons other than
22 yourself that resulted from the offense. Whichever is greatest
23 of those three, that is the maximum penalty.

24 In addition, as part of your sentence, I can order
25 restitution to any person or entity that was injured as a

14LJGOLP

Plea

1 result of your criminal conduct. I can also order you to
2 forfeit any and all proceeds derived from the criminal conduct.

3 Finally, I must order you to pay a \$100.00 special
4 assessment. That is separate from any fine or restitution or
5 forfeiture.

6 Count 3, which is the securities fraud count, carries
7 a maximum term of imprisonment of 20 years, a maximum term of
8 supervised release of three years, a maximum fine of the
9 greatest of either \$5 million or again twice the gross gain or
10 twice the gross loss that resulted from the offense.

11 The difference between this one and the other count is
12 it is 250, or those other two alternatives, it is 5 million or
13 the other two alternatives.

14 In addition, I can also order that you pay
15 restitution. I can also order you to forfeit any and all
16 proceeds. Again there is a separate \$100.00 special assessment
17 for this offense. Do you understand that?

18 THE DEFENDANT: I understand.

19 THE COURT: If you take these two crimes together,
20 those two offenses carry a maximum total term of 25 years as
21 well as a \$200 special assessment. Those get aggregated. The
22 other stuff, the supervised release would be concurrent and
23 fines and forfeitures would probably be the same I think for
24 the two counts, which we'll see when we get there.

25 Are you a United States Citizen, Mr. Goldfarb?

14LJGOLP

Plea

1 THE DEFENDANT: I am.

2 THE COURT: Do you understand as a result of your
3 guilty plea, you could lose certain valuable civil rights. You
4 could lose your right to vote, you could lose your right to
5 hold public office, you could lose your right to serve on a
6 jury, and you could lose your right to possess a firearm.

7 Do you understand that?

8 THE DEFENDANT: I do.

9 THE COURT: It likely would have an impact as well on
10 your law license. Do you understand that?

11 THE DEFENDANT: I am well aware of that, yes.

12 THE COURT: With respect to supervised release, you
13 should be aware that there are terms and conditions associated
14 with supervised release, and so if I were to sentence you to a
15 term of supervised release, and then you failed to comply with
16 those conditions, I could send you to jail for the entire term
17 of supervised release. You wouldn't get any credit for the
18 term you already served or the time you already served.

19 Do you understand that?

20 THE DEFENDANT: I understand.

21 THE COURT: I am sure you do, frankly, but I generally
22 give an example. If I sentenced you -- I am just making this
23 up -- five years in jail followed by three years of supervised
24 release, that means you would serve the time in jail, you then
25 would be released, live at home, but you would be supervised by

14LJGOLP

Plea

1 the Probation Department. You would have an officer you
2 reported to. There would be perhaps a variety of conditions,
3 but certainly that would include you not commit any other
4 crimes, that you not possess firearms or drugs or anything like
5 that. There will be others I think, too, but those I am sure
6 would be three.

7 If just imagine that for 35 months, two years and 11
8 months of your three-year term of supervised release you were
9 perfect, spot-on and then in the last month of the last year
10 you committed another crime or you had a gun, well then I could
11 sentence you to three years in jail, revoke supervised release
12 and put you back in jail three years, the full term of
13 supervised release, and you wouldn't get any credit for the 35
14 months you had been perfect. Do you understand?

15 THE DEFENDANT: I understand. I assure you my life of
16 crime is over.

17 THE COURT: Again I just use this as an example. It
18 is sort of the worst-case scenario I can think up. It is
19 important everybody understands that.

20 THE DEFENDANT: I fully understand that.

21 THE COURT: There is no parole in the federal system.
22 Do you understand that?

23 THE DEFENDANT: I do.

24 THE COURT: New York State has parole, other systems
25 have parole. The way that works, typically a judge might

14LJGOLP

Plea

1 impose a sentence of 5 to 10 years, and a Parole Board, not the
2 judge, somebody else would decide when and whether a defendant
3 was ready to come out of jail and return to society.

4 There might be good reasons to have that kind of
5 system, but we don't in the federal system. There was such a
6 system maybe 30 years ago, but not any more. Whatever sentence
7 I impose, that is the sentence you would serve.

8 Do you understand that?

9 THE DEFENDANT: I do.

10 THE COURT: If I give you a five-year term, you would
11 serve five years. The only exception to that, you could get up
12 to 15 percent of the sentence reduced for good behavior, but it
13 wouldn't be more than 15 percent and the decision whether you
14 had exhibited good behavior, that would be up to the Bureau of
15 Prisons, not up to me. Do you understand?

16 THE DEFENDANT: I do.

17 THE COURT: You're not serving any other sentence at
18 this time, are you?

19 THE DEFENDANT: No.

20 THE COURT: State, federal?

21 THE DEFENDANT: No.

22 THE COURT: I want to go over with you a couple of
23 things about sentencing. First of all, as I think you probably
24 know, the determination as to what sentence you will receive
25 will be made by me, by the court, and no one else.

14LJGOLP

Plea

1 Do you understand that?

2 THE DEFENDANT: I do.

3 THE COURT: Nothing your lawyer has said to you or
4 Mr. Fish or anyone else has said to you is binding on me. I
5 will do my own analysis, my own assessment of the facts and
6 circumstances and then I will decide what is the appropriate
7 sentence. Do you understand?

8 THE DEFENDANT: I do.

9 THE COURT: In addition, I want to make sure you
10 understand the current state of the law. The law requires that
11 I consider certain factors in deciding an appropriate sentence.

12 According to Congress -- and, frankly, I would do this
13 even if I weren't required, but these are the things Congress
14 said I have to consider. I have to consider your own life, the
15 facts and circumstances of your life. You're an individual and
16 I have to impose a sentence that will be tailored to you as an
17 individual. I will look at all the facts and circumstances of
18 your life.

19 The background, the family into which you were born,
20 the economic circumstances of your life, your educational
21 background, your work history, your family circumstances today,
22 all of the decisions good and bad you have made, I will look at
23 those carefully.

24 In addition, I have to look at the facts and
25 circumstances of these crimes. I have to impose a sentence

14LJGOLP

Plea

1 that is going to reflect the seriousness of these crimes, to
2 promote respect for the law and provide a just punishment for
3 these crimes. I will look very carefully at the real details
4 of these crimes.

5 In addition, I have to consider the need to fashion a
6 sentence that will deter you and others from committing crimes.
7 A minute ago you said your life of crime is over. I hope that
8 is true, and I take you at your word, but every judge has to
9 consider the likelihood of that fact and to fashion a sentence
10 that takes into account the need to discourage and deter the
11 defendant from committing crimes in the future, but also the
12 goal of discouraging and deterring others from committing
13 crimes like this in the future. It is often hard to measure,
14 often hard to know what impact the sentence on one defendant in
15 a courtroom on a given day is going to have on other people who
16 are not in the courtroom, most likely.

17 Nevertheless, Congress thinks that is a valid
18 objective. Intuitively that makes sense even if it is hard to
19 quantify. That is a factor I would take into account. Other
20 factors I would take into account are your own needs while
21 incarcerated. If I were going to decide an incarceratory
22 sentence is appropriate, I would carefully consider what your
23 needs are while incarcerated, your health needs, psychiatric
24 needs, substance abuse treatment needs that many defendants
25 have, needs for educational opportunities, job training, all of

14LJGOLP

Plea

1 those things I would take into account.

2 Another factor I have to consider are the United
3 States Sentencing Guidelines. Are you familiar with those?

4 THE DEFENDANT: I am.

5 THE COURT: Normally, I start waving them around the
6 room. Mr. Soshnick has one in his bag?

7 MR. SOSHNIK: I do.

8 THE COURT: The one with the green cover?

9 MR. SOSHNIK: No. I have the printout, your Honor.

10 THE COURT: I am sure you have seen them. This is
11 Judge Cote's courtroom. Apparently, she has them memorized.

12 They're big, 5 or 600 pages long. A new edition comes
13 out each year. I won't go over them in detail. The points I
14 want to make, first of all, the guidelines are advisory. There
15 was a time they were mandatory. With very limited exceptions,
16 the court was obliged to fashion a sentence consistent with the
17 guidelines. Now they're one factor of many that courts have to
18 consider, but I clearly will consider and I have to consider
19 the guidelines.

20 What the guidelines really attempt to do -- I am sure
21 Mr. Soshnick has explained this -- they attempt to provide some
22 objective factors courts look to so defendants are roughly the
23 same in terms of their involvement in a crime, in a criminal
24 history, will be treated roughly alike, recognizing that no two
25 defendants are exactly alike, but recognizing also the entire

14LJGOLP

Plea

1 system of the criminal justice is undermined, people's
2 confidence is undermined if the sentence is imposed on
3 similarly-situated defendants varies radically simply because
4 of who the judge is or who the lawyer might be or who the
5 prosecutor is.

6 Courts are directed to look to the guidelines. The
7 guidelines are divided in such a way there is a chapter or
8 subchapter for each crime or type of crime. For a case
9 involving fraud or specifically insider trading, there is a
10 section in the guidelines. I would look to that section and
11 would make certain findings consistent with the section. I
12 would look to, among other things, the amount of the gain that
13 was realized as a result of this fraud.

14 I would look to other factors including one's role in
15 the offense. If they were a major participant in a
16 sophisticated extensive scheme, they would be treated more
17 seriously than a person who was a minor participant in a large
18 scheme.

19 The nature of the fraud and sophistication are other
20 things I would look to. I would go through the guideline and
21 make certain findings which could entail adding or subtracting
22 numbers and coming up with a total which is referred to as the
23 offense level.

24 I then go to a separate chapter in the guidelines and
25 do an analysis about criminal history. Not surprisingly, a

14LJGOLP

Plea

1 person who has prior convictions and served prior sentences is
2 treated more harshly than a person who has no prior convictions
3 or sentences. I would go through that section, that chapter,
4 and make a determination as to which of six criminal history
5 categories is appropriate, one being the lowest, six being the
6 highest with those two findings, offense level, criminal
7 history. I would then go to the back of the guidelines look
8 and look at the grid. It is simply a grid and determine what
9 is the range in terms of months the Sentencing Commission
10 believes to be appropriate for that offense level and that
11 criminal history.

12 Ultimately I am free to go above or below that range.
13 I will make my findings what the range is under the guidelines
14 and consider where it is appropriate to sentence within or
15 outside the range. Any questions?

16 THE DEFENDANT: No.

17 THE COURT: Finally, whatever sentence you receive,
18 whatever sentence I impose, you won't be able to withdraw your
19 guilty plea even if you're unhappy with it.

20 Do you understand that?

21 THE DEFENDANT: I do.

22 THE COURT: It could be the case you will conclude
23 that the sentence I impose is too harsh and not appropriate.
24 You might be convinced it is downright wrong. You might be
25 able to appeal that sentence, saying I got it wrong. You will

14LJGOLP

Plea

1 not be able to say I'd like to go back to April 21st, take back
2 my guilty plea and go to trial. That ship will have sailed.

3 Do you understand that?

4 THE DEFENDANT: I understand.

5 THE COURT: Let's talk about the plea agreement in
6 this case. I received a draft from Mr. Fish. It is a letter,
7 dated April 19th, a six page, single-spaced letter from
8 Mr. Fish and Mr. Tarlowe, his colleague at the U.S. Attorney's
9 Office, addressed to Mr. Soshnick. What I have is signed by
10 Mr. Fish, but not signed by you. That is the version I have.

11 Do you have the original in front of you there?

12 MR. SOSHNIK: I do.

13 THE COURT: Hang onto it a minute. I will ask a
14 couple of questions about it. Turn to the last page.
15 Mr. Goldfarb, is that your signature on the document?

16 THE DEFENDANT: It is.

17 THE COURT: Before you signed it, did you read it?

18 THE DEFENDANT: I did.

19 THE COURT: Did you review it with your attorney, Mr.
20 Soshnick?

21 THE DEFENDANT: Yes.

22 THE COURT: Have you had a full opportunity to ask him
23 questions about it?

24 THE DEFENDANT: I did.

25 THE COURT: Mr. Soshnick, is that your signature on

14LJGOLP

Plea

1 the last page?

2 MR. SOSHNIK: Yes.

3 THE COURT: Before you signed it, did you have a full
4 opportunity to answer any questions your client may have had
5 about the document?

6 MR. SOSHNIK: That's correct.

7 THE COURT: If you could hand that up to my law clerk,
8 I will mark that as a court exhibit. I will mark it as Court
9 Exhibit 2. I will date and initial it.

10 (Pause)

11 THE COURT: Mr. Goldfarb, I am not going to go over
12 this in great detail. It is a six page, single-spaced letter,
13 but there are a couple of features of it I want to make sure
14 you understand.

15 One of the features of this agreement is that you and
16 the government have stipulated as to what is the sentencing
17 guidelines range. Do you understand?

18 THE DEFENDANT: I do.

19 THE COURT: The whole description I just gave you how
20 the guidelines work, this agreement lays out what is the view
21 of you and your lawyer and the government as to how the
22 guidelines should be applied.

23 I want to make sure you understand I am not bound by
24 that. You may be bound by it, Mr. Fish may be bound by it
25 along with his office, but I am obliged to do my own

14LJGOLP

Plea

1 investigation and make my own findings. I could go higher or
2 lower, but certainly this document doesn't include me as a
3 party. Do you understand?

4 THE DEFENDANT: I understand.

5 THE COURT: One thing I want to make sure you
6 understand, this agreement provides that if I sentence you
7 within the guidelines range or below it -- so, in other words,
8 if I sentence you to 46 months or anything less than 46
9 months -- then you would waive or give up your right to appeal
10 the sentence or to otherwise challenge the sentence.

11 Do you understand?

12 THE DEFENDANT: I do.

13 THE COURT: There is a forfeiture component to this as
14 well, Mr. Fish?

15 MR. FISH: We don't have the dollar amount in there.
16 The defendant agrees to forfeit the proceeds, but that is not
17 specified.

18 THE COURT: You understand, according to this
19 agreement, you agree you're going to forfeit all the proceeds
20 from the crimes you're expecting to plead guilty?

21 THE DEFENDANT: Can I ask my lawyer?

22 THE COURT: Sure. Take a minute.

23 (Off-the-record discussion)

24 THE DEFENDANT: Judge, after speaking with my
25 attorney, my understanding, I want it to be on the record, what

14LJGOLP

Plea

1 I have received as the proceeds from this is approximately
2 \$32,500. So I believe I want to make sure that is what they're
3 talking about with regards to forfeiture.

4 THE COURT: I am not sure. I don't think the plea
5 agreement says.

6 MR. FISH: Legally, I think it is not limited to what
7 he personally received.

8 THE COURT: That is true. In other words, if lots of
9 other gains were realized as a result of this crime and
10 everybody else is flat broke, but you've got a lot of money,
11 you then could be liable for the full amount of the gain. Do
12 you understand that?

13 You would be required to forfeit the full amount. If
14 everybody has cash, then you would be expected to pay your
15 share, but Mr. Fish I think is right, it is not limited to what
16 you put in your pocket.

17 THE DEFENDANT: They're claiming I personally
18 benefited more than that amount.

19 THE COURT: I don't know that is the relevant issue.
20 I don't think what you personally benefited. It might be
21 relevant, but I don't think it is dispositive. It is really
22 what gain was realized as a result from the crime.

23 THE DEFENDANT: I understand.

24 THE COURT: Or what loss to other people, but this is
25 primarily a gain-based analysis, right, Mr. Fish?

14LJGOLP

Plea

1 MR. FISH: Yes.

2 THE COURT: That is good. I am glad to see you asking
3 questions when you have them. That is important.

4 The other thing I want to make sure is nobody forced
5 you or threatened you to sign this agreement or to plead guilty
6 today. Did anybody threaten you?

7 THE DEFENDANT: No.

8 THE COURT: Did anybody force you to either sign this
9 agreement or to plead guilty?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: Has anybody offered you anything of value,
12 bribed you in any way to plead guilty today?

13 THE DEFENDANT: No.

14 THE COURT: Has anybody promised you what sentence
15 you'll receive?

16 THE DEFENDANT: No.

17 THE COURT: Does this agreement I have marked as a
18 court exhibit, which I will give the original back to Mr. Fish,
19 does this agreement constitute your entire agreement with the
20 government?

21 THE DEFENDANT: Yes.

22 THE COURT: Are there any other agreements you have,
23 either orally or in writing, that are not either referenced in
24 this agreement or superseded by this agreement?

25 THE DEFENDANT: No, your Honor.

14LJGOLP

Plea

1 THE COURT: Mr. Soshnick, are you aware of any defense
2 that would prevail as a matter of law or any other reason why
3 Mr. Goldfarb should not be allowed to plead guilty to Counts 1
4 and 3 of the superseding indictment?

5 MR. SOSHNIK: No, your Honor.

6 THE COURT: At this time, Mr. Goldfarb, let me ask you
7 to stand, and I want you to tell me in your own words what it
8 is you did that makes you guilty of these crimes.

9 THE DEFENDANT: Many years ago I was approached by
10 another defendant in the matter, Zvi Goffer. I just graduated
11 law school at the time and I was doing basically legal work.
12 Mr. Goffer had mentioned to me if I knew anyone doing corporate
13 type of work, to let him know. At the time he really didn't
14 tell me much more about anything, but then there came a time
15 later I really didn't know anyone doing that type of work.

16 A few years went by and then one of my college
17 roommates, Arthur Cutillo, his firm merged with another firm
18 and began doing corporate type of work. At that time I had
19 remembered what Zvi Goffer had asked me, and I set up a dinner
20 between myself and Arthur Cutillo and Zvi Goffer. At that
21 dinner, Zvi Goffer explained to me and to Mr. Cutillo that he
22 was looking for any type of information that he may come across
23 in the course of his employment that might benefit him and
24 where he might be able to make some money.

25 After that time, nothing really happened for a while.

14LJGOLP

Plea

1 Then eventually I got a call from Mr. Cutillo, and he had
2 informed me that he had been speaking with another attorney in
3 his firm at the time. I came to know later on the attorney's
4 name was Brien Santarlas, and he had information, and then they
5 set up a meeting between myself, Mr. Cutillo and Mr. Santarlas
6 and they began to relay information to Zvi Goffer using me as
7 an intermediary. With great regret, I made a horrible mistake
8 and agreed to partake in this scheme.

9 THE COURT: From the first dinner that you described
10 until the last, the last act in furtherance that you took, what
11 time period are we talking about?

12 THE DEFENDANT: The first dinner was somewhere around
13 probably 2004, 2005. And then your question was until the
14 last?

15 THE COURT: Yes, until when?

16 THE DEFENDANT: Probably somewhere in the middle of
17 2008 maybe.

18 THE COURT: When you did these things, you agreed with
19 these men and you did these things, did you know what you were
20 doing was wrong and illegal?

21 THE DEFENDANT: I did, your Honor. I just wanted to
22 clarify one point. Throughout that time period really I know I
23 said from around 2004 to 2005 until around 2008, nothing really
24 happened after the dinner for quite some time, years probably.

25 THE COURT: Years?

14LJGOLP

Plea

1 THE DEFENDANT: It was a smaller time-frame. It was
2 around 2007 to 2008. The dates are hard to remember, but
3 around that time.

4 THE COURT: This involved information that was going
5 to be used for the purchasing of public stocks, is that right,
6 stocks in a public company?

7 THE DEFENDANT: Correct.

8 THE COURT: Understanding it was inside information
9 that belonged to the clients of Mr. Santarlas' and Mr.
10 Cutillo's law firm?

11 THE DEFENDANT: I understood they were likely
12 breaching a fiduciary duty.

13 THE COURT: You knew they would be purchasing stocks
14 on national exchanges, presumably?

15 THE DEFENDANT: Not them, but Mr. Goffer, yes.

16 THE COURT: That was part of the scheme?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. Did some portion of this
19 activity take place in Manhattan?

20 THE DEFENDANT: It did.

21 THE COURT: Mr. Fish, is that a satisfactory
22 allocution? Have I missed any elements?

23 MR. FISH: It is certainly satisfactory with the
24 conspiracy. With respect to the substantive, one of the stocks
25 that he obtained information about was 3Com, and the

14LJGOLP

Plea

1 substantive charge relates to purchase of 3Com stock Mr. Goffer
2 made on or about August 7th, 2007 of 75,000 shares.

3 THE COURT: But you agree for the conspiracy, that is
4 a satisfactory allocution?

5 MR. SOSHNICK: Yes.

6 THE COURT: I was going to turn to the substantive
7 now. That is about a specific stock that was purchased, 3Com.

8 Can you just tell me a little bit about what happened
9 in connection with that stock?

10 THE DEFENDANT: Yes. At that first meeting I spoke
11 about earlier with myself, Mr. Cutillo and Santarlas,
12 Mr. Santarlas relayed that he had heard that 3Com was going to
13 be bought out by another company, a Japanese company, and he
14 told me to relay the information to my friend, which is Mr.
15 Goffer.

16 THE COURT: When was that, roughly?

17 THE DEFENDANT: Probably around July of 2007,
18 approximately, Judge.

19 THE COURT: The indictment talks about August 7th of
20 2007. Does that sound about right?

21 THE DEFENDANT: That sounds about right.

22 THE COURT: That is when the purchase was. The
23 information was relayed shortly before that?

24 THE DEFENDANT: Right before that, I am assuming,
25 yeah.

14LJGOLP

Plea

1 THE COURT: Again you knew what you were doing was
2 wrong and illegal?

3 THE DEFENDANT: I did, your Honor.

4 THE COURT: And some portion of that offense is what
5 led to the August 7th purchase that took place in Manhattan?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Mr. Fish, is that satisfactory?

8 MR. FISH: Yes.

9 THE COURT: Mr. Soshnick, you agree?

10 MR. SOSHNICK: Yes, I do, your Honor.

11 THE COURT: Mr. Goldfarb, you can have a seat.

12 I am now going to ask Mr. Fish to summarize the
13 government's evidence, the evidence they would introduce if
14 this case went to trial with respect to these charges as they
15 pertain to you. Listen carefully to Mr. Fish. If when he is
16 finished, you disagree with something he has said or you would
17 like to clarify or qualify something he has said, then I will
18 give you that opportunity. Mr. Fish.

19 MR. FISH: At trial the government would show that Mr.
20 Goffer obtained from Arthur Cutillo and Brien Santarlas
21 material nonpublic information that Cutillo and Santarlas
22 misappropriated from Ropes & Gray, a law firm, in violation of
23 their duties and trust and confidence to Ropes & Gray and its
24 clients, and Mr. Goffer obtained this information using Jason
25 Goldfarb as an intermediary.

14LJGOLP

Plea

1 For example, in or about July or August 2007, Cutillo
2 and Santarlas told Goldfarb that Ropes & Gray was working on
3 the acquisition of 3Com Corporation. Cutillo and Santarlas, S
4 A N T A R L A S, told Goldfarb information about the
5 transaction that they misappropriated from Ropes & Gray,
6 including pricing information. Cutillo and Santarlas
7 periodically updated Goldfarb on the progress of the
8 transaction until it was publicly announced.

9 Based on this material nonpublic information, on or
10 about August 7, 2007, Zvi Goffer purchased approximately 75,000
11 shares of 3Com stock. In addition, in or about late October or
12 November 2007, Cutillo and Santarlas told Goldfarb that Ropes &
13 Gray was working on the acquisition of Axcan Pharma, Inc.
14 Cutillo and Santarlas periodically updated Goldfarb on the
15 progress of the transaction until it was publicly announced.

16 Cutillo and Santarlas and Mr. Goldfarb provided the
17 information to Zvi Goffer in exchange for the promise of cash
18 payments. After the acquisition of 3Com was announced, Zvi
19 Goffer paid approximately \$75,000 in total to Jason Goldfarb,
20 Arthur Cutillo and Brien Santarlas. After the Axcan
21 acquisition was announced, Zvi Goffer paid approximately
22 \$22,500.00 to Jason Goldfarb, Arthur Cutillo and Brien
23 Santarlas.

24 Trades in Zvi Goffer's account and his brother Manuel
25 Goffer's account on the 3Com information resulted in profits in

14LJGOLP

Plea

1 excess of a million dollars.

2 Jason Goldfarb, Arthur Cutillo and Brien Santarlas and
3 Zvi Goffer used prepaid cellular telephones to communicate
4 regarding the inside information. They used these phones to
5 communicate in order to avoid detection by authorities. The
6 government's evidence would include recorded telephone
7 conversations, witness testimony and documents.

8 THE COURT: Thank you, Mr. Fish.

9 Mr. Soshnick?

10 MR. SOSHNICK: The only comment I have about what
11 Mr. Fish said, which is truthful and accurate in all respects,
12 the \$75,000 that was paid was to be divided by all three of the
13 co-conspirators, that is to say, the \$75,000 was to be divided
14 among Santarlas and my client and the third co-conspirator, and
15 likewise with respect to the 22,5, that was also to be divided
16 among the three co-conspirators, Cutillo, Santarlas and my
17 client. I don't want the court to believe my client received
18 \$97,000 in this case because it was really about a third of
19 that amount.

20 THE COURT: I surmised as much from what Mr. Goldfarb
21 said before.

22 MR. SOSHNICK: I just wanted to be sure you understood
23 what my client said was truthful and accurate in all respects
24 and what Mr. Fish said was truthful and accurate in all
25 respects.

14LJGOLP

Plea

1 When Mr. Fish gave his recitation, he said the \$75,000
2 was paid to Goldfarb, around 22,500 was paid to Goldfarb, which
3 is true, but the understanding was that my client would then
4 divide it in three so that each of the three co-conspirators
5 would get one-third of those sums.

6 THE COURT: He was the intermediary for both the
7 information going in one direction and the money going in the
8 other?

9 MR. SOSHNICK: That is correct, your Honor.

10 THE COURT: We will have time to talk more about that.
11 It may be relevant to sentencing, but it doesn't affect the
12 allocution, all right?

13 I will accept the allocution. I think it is
14 satisfactory. Mr. Goldfarb, Mr. Soshnick made that point. Are
15 there any other points you would like to make with respect to
16 anything Mr. Fish said?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Let me ask you to stand again.

19 How do you now plead to Counts 1 and 3 of the
20 superseding indictment, guilty or not guilty?

21 THE DEFENDANT: I plead guilty, your Honor.

22 THE COURT: Did you do the things you're charged with
23 doing in the indictment?

24 THE DEFENDANT: I did.

25 THE COURT: Are you pleading guilty because you are

14LJGOLP

Plea

1 guilty?

2 THE DEFENDANT: I am pleading guilt because I am, in
3 fact, guilty.

4 THE COURT: Are you pleading guilty of your own free
5 will and voluntarily?

6 THE DEFENDANT: I am.

7 THE COURT: Mr. Goldfarb, because you acknowledge your
8 guilt, because you understand your rights and have waived those
9 rights, because your guilty plea is supported by an independent
10 basis in fact for each of the elements of the crime, because
11 your plea is entered knowingly and voluntarily, I accept your
12 guilty plea and adjudge you guilty on Counts 1 and 3 of the
13 indictment. Have a seat.

14 What I would normally do now is schedule a date for
15 sentencing. Typically that would be three to four months out.
16 So I think that is probably what I will do today.

17 Is there any reason why I shouldn't schedule sentence
18 on that time-frame?

19 MR. FISH: No.

20 THE COURT: Mr. Soshnick?

21 MR. SOSHNIK: That is fine.

22 THE COURT: That puts us into basically July or
23 August. I don't know if you know what your summer plans are,
24 counsel?

25 MR. SOSHNIK: Your Honor, what date in August would

14LJGOLP

Plea

1 be convenient for the court?

2 THE COURT: I think probably the latter half of
3 August. Well, we could do the end of July or we could do --

4 MR. SOSHNIK: Do you do sentences on a particular day
5 of the week?

6 THE COURT: Not necessarily. Often do them on a
7 Friday because if I have a trial, then I cannot have my trials
8 on Fridays, as I typically use that day for other calendar
9 things. It doesn't have to be a Friday.

10 MR. SOSHNIK: Is august 19th convenient? It is a
11 Friday.

12 THE COURT: Sure. Say 10:00 o'clock, August 19th, at
13 10:00 o'clock?

14 MR. SOSHNIK: Very good. I know you will be ordering
15 a probation report. I would be like to be present when my
16 client is interviewed.

17 THE COURT: You anticipated what I was about to say.

18 Mr. Goldfarb, the way the sentencing works, and you
19 probably have a sense of this, I will direct the Probation
20 Department to prepare a report, presentence report. That
21 report is often quite extensive. It might be 30 pages or so
22 long. It will provide a lot of information about the crimes in
23 much more detail than we talked about day. It will include a
24 lot of information about you in great detail because as I
25 mentioned, those are facts that more greatly affect the

14LJGOLP

Plea

1 sentence I impose.

2 In order to prepare this report, the Probation
3 Department will gather information from a variety of sources
4 and they will interview many people. One of the people they
5 will interview is you. So Mr. Soshnick has indicated he wants
6 to be present for any interview, which is appropriate and wise.
7 So I will direct that no interview take place unless he is
8 present.

9 I can't imagine this happening, but if I happened, the
10 probation officer came to you and said I want to interview you,
11 and your lawyer wasn't there, you politely say I won't do this
12 without my lawyer. I never heard of it happening. If it
13 happens, that is what you should say. Once you are
14 interviewed, you should be truthful, complete and thorough in
15 your answers. If Mr. Soshnick directs you not to answer
16 certain questions, you should listen to him. At least confer
17 with him, but under no circumstances should you make any false
18 statements to the probation officer. If you were to do that,
19 that could be a separate crime. It also could be a factor that
20 would enhance your sentencing guidelines and it could be
21 significant because it would be an obstruction of justice.

22 You wouldn't get credit for acceptance of
23 responsibility and might get an enhancement for obstruction of
24 justice, which would significantly alter what your sentencing
25 range looks like. So don't do that. Once the report has been

14LJGOLP

Plea

1 prepared, you will get a copy of a draft prepared by the
2 probation officer. Mr. Soshnick will as well. So will
3 Mr. Fish. If there are portions of that draft that you
4 disagree with, then you should let the Probation Office know.
5 Mr. Soshnick should do it for you. Say we disagree with
6 Paragraphs 14, 19, 22 and 67, and here is why.

7 The Probation Department will issue a final report.
8 That one will come to me. You'll get a copy, as will the
9 lawyers. If there are still portions you don't agree with,
10 then you should object to those, and for any objections, I'll
11 have a hearing which will resolve the issue. Perhaps we will
12 have testimony, perhaps we will have exhibits. Perhaps we will
13 just have argument. The lawyers will say we agree on what the
14 facts are, but we disagree on the conclusions those facts
15 warrant.

16 I will make a finding and resolve the dispute. It
17 could be that the objection is over a fact that is ultimately
18 not that important, it won't affect the sentence. If that is
19 the case, I will let you know that, say I don't have to resolve
20 it because it is immaterial.

21 It is customary for defendants when they are preparing
22 for sentencing to make submissions, so I expect Mr. Soshnick
23 will probably want to make a submission on your behalf that
24 will provide information about you, perhaps make arguments what
25 might be an appropriate sentence. It is not uncommon for those

14LJGOLP

Plea

1 submissions to include letters from friends, family members,
2 co-workers, people that know you and can speak to you and your
3 character. That is, frankly, helpful. I read them. It gives
4 me a much broader view and understanding of the person that I
5 will be sentencing, and that is a good thing.

6 If there are people who would like to write those
7 letters, coordinate with Mr. Soshnick. He will make it part of
8 his submission so I am not getting loose letters, instead I get
9 everything at once. The government will have an opportunity to
10 make a submission as well. I will read that submission
11 carefully. Then we'll appear here on August 19th.

12 Before I impose sentence, I will hear from the lawyers
13 to be sure. I might hear from others, but I certainly would
14 give you the right to address the court. You have a right to
15 do that. You don't have to do it, but you have a right to and
16 you will be welcome to. Then and only then will I be prepared
17 to sentence you. At that point I will tell you the sentence I
18 intend to impose, I will explain my reasons for it, I will then
19 ask the lawyers if there is any legal impediments to my
20 imposing that sentence. If there isn't, I will formally impose
21 the sentence. That is basically how it works.

22 August 19th is the date we will go forward. If that
23 date changes, Mr. Soshnick will let you know, but we should be
24 able to go forward on that day. Is there anything else we need
25 to cover today, Mr. Fish?

14LJGOLP

Plea

1 MR. FISH: No, your Honor.

2 MR. SOSHNIK: I want to thank you for the courtesy
3 you extended to me earlier this week on Tuesday when I was
4 observing Passover. Also I want to thank you for your time and
5 consideration today and all of the time that you spent
6 explaining every phase of the proceedings to my client because
7 although he is an attorney, his area of expertise is workers
8 compensation, and he is really unfamiliar with much of what you
9 covered. You really covered it very, very well and I just want
10 to thank you.

11 THE COURT: You needn't thank me. I am sure you
12 covered most of those things with your client. Some of it is
13 pretty basic, but look, it is important not to rush through
14 these things. Mr. Fish can attest I am probably one of the
15 slowest in the courthouse in taking a plea.

16 I think it is important to make sure people understand
17 what is taking place and give them an opportunity to ask
18 questions, that they not feel rushed as if this is some sort of
19 mundane transaction. This is an important day in
20 Mr. Goldfarb's life. It is an important day for everybody. We
21 have to treat it as such. Thank you for your comments. I am
22 sure most of it or almost all of it were things you covered.

23 MR. SOSHNIK: I appreciate it. I have to tell you
24 that the extra time you spent was very much appreciated because
25 it is one thing when a lawyer sits down with a client, another

14LJGOLP

Plea

1 thing when the judge takes the time to go over everything so
2 thoroughly.

3 THE COURT: Thank you. Happy Passover to you. See
4 you all in the summer. In the interim, Mr. Goldfarb will
5 remain on bail, correct?

6 MR. FISH: Yes.

7 THE COURT: Mr. Goldfarb, you have to continue to
8 abide by all the conditions of your bail. I expect that won't
9 be a problem. If it were, that would not be a good thing.

10 THE DEFENDANT: It won't be a problem. Again thank
11 you for your time.

12 THE COURT: Be zealous in your adhering to all of the
13 requirements.

14 THE DEFENDANT: Absolutely.

15 THE COURT: Let me thank the Court Reporter as well,
16 as always.

17 (Court adjourned)

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